



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/696,693	10/25/2000	William Fitzpatrick	4797-30	3242
21890	7590	01/29/2007	EXAMINER	
PROSKAUER ROSE LLP PATENT DEPARTMENT 1585 BROADWAY NEW YORK, NY 10036-8299			CHENCINSKI, SIEGFRIED E	
			ART UNIT	PAPER NUMBER
			3692	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE		DELIVERY MODE	
3 MONTHS	01/29/2007		PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/696,693	FITZPATRICK ET AL.
	Examiner Siegfried E. Chencinski	Art Unit 3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 05 January 2007.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1,2,4-7 and 9-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,4-7 and 9-16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. **Re. claims 1 and 12**, the claimed invention is directed to non-statutory subject matter. The amended limitation including a human is non-statutory. See the Response to Arguments section below.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. **Claims 1 & 4-7 and 9-11 are rejected** under 35 U.S.C. 103(a) as being disclosed by Clark et al.(US Patent 5,710,889, hereafter Clark) in view of Maggioncalda et al. (US Patent 5,918,217, hereafter Maggioncalda), Wolfberg et al. (US Patent 5,214,579, hereafter Wolfberg) and Earle (US Patent 5,262,942).

**Re. Claim 1**, Clark discloses an integrated system for providing financial services, comprising:

- at least one workstation having a central processing unit and a video display screen (Fig's 1 & 15; Col. 2, l. 36 – Col. 3, l. 34; Col. 26, l. 56 – Col. 27, l. 13);
- at least one host server (Fig's 1 & 15; Col. 2, l. 36 – Col. 3, l. 34; Col. 26, l. 56 – Col. 27, l. 13);;
- the at least one host server connected to the at least one workstation over a communication system for transmitting information between a workstation and at

least one host server (Fig's 1 & 15; Col. 2, l. 36 – Col. 3, l. 34; Col. 26, l. 56 – Col. 27, l. 13);

- an application interface operable on the workstation for accessing at least on a plurality of finance-related software applications comprising a real-time market data application (Col. 2, line 36 – Col. 3, line 34; Fig's 1 & 15); and
- a real-time investor monitoring system for monitoring investor mediated transactions (Real time - Col. 10, line 49; Col. 11, ll. 16-23), the system to provide timely proactive financial advice to investors (Clark's system is presented for the purpose providing financial services to customers, including financial advice).

Clark do not explicitly disclose the providing of all inclusive financial advice, such as financial planning advice. However, Maggioncalda disclose the providing of a financial planning application (Col. 2, line 33 – Col. 3, line 63; Col. 5, lines 32-33). Also, Clark do not explicitly disclose the provision of timely proactive transaction advice to the client. However, Wolfberg discloses providing timely proactive transaction advice to the client (Col. 24, ll. 43-52). Finally, Clark do not explicitly disclose enabling a user therewith to provide timely proactive transaction advice to the client user. However, Earle discloses the enabling of a user therewith to provide timely proactive transaction advice to the client user (Col. 7, ll. 48-59; Col. 9, ll. 54-57). It would have been obvious at the time of Applicant's invention to have combined the disclosures of Clark with those of Maggioncalda, Wolfberg and Earle for the purpose of a financial advisory system that focuses individuals on the financial decisions they must make today, recommends one or more specific financial products given these decisions, protects them from mistakes and, perhaps most importantly, provides an opportunity for their financial decisions to meet their investment goals for the future. The motivation for the practitioner at the time of Applicant's invention to invent such a system would have been to provide an investment management system which enables an investment client to achieve superior investment performance (Maggioncalda, Col. 1, ll. 54-55).

**Re. Claim 4,** Clark discloses an integrated system wherein the real-time market data application provides real-time market data comprising at least one of: quotes, news, and

historical and intraday charting (Col. 3, ll. 23-25; Col. 7, l. 28-31; Col. 10, line 49; Col. 11, line 18, a server is inherent).

**Re. Claim 5**, Clark discloses an integrated system wherein the real-time market data application provides a valuation ratings for at least one financial instrument (Col. 24, ll. 43-49).

**Re. Claim 6**, Clark discloses an integrated system wherein the application interface further includes a scratchpad application for moving information between applications (Inherent in MS Windows).

**Re. Claim 7**, Clark does not explicitly disclose an integrated system wherein the communication system connects a workstation to at least one host server via the Internet. However, Maggioncalda discloses an integrated system as recited by claim 1, wherein the communication system connects a workstation to at least one host server via the Internet (Col. 6, line 65).

It would have been obvious at the time of Applicant's invention to have combined the disclosures of Clark with those of Maggioncalda for the purpose of providing an integrated financial services system which can perform a number of different finance-related functions wherein the system connects a workstation to a host server via the internet, motivated by the desire to provide an investment management system which enables an investment client to achieve superior investment performance (Maggioncalda, Col. 1, ll. 54-55).

**Re. Claim 9**, Clark discloses an integrated system further comprising an authentication system for determining user entitlements and accessing a user preference profile (Abstract; Col. 2, lines 48-50; Col. 5, line 63 – Col. 6, line 16; Col. 6, lines 36-47).

**Re. Claim 10**, Clark discloses an integrated system wherein the authentication system populates the application interface based on the user entitlements (Col. 5, lines 13-28; Col. 25, line 64 – Col. 26, line 6).

**Re. Claim 11**, Clark discloses an integrated system wherein the authentication system provides access to all applications using a single logon process (Col. 25, line 64 – Col. 26, line 24).

3. **Claim 12 is rejected** under 35 U.S.C. 103(a) as being disclosed by Clark in view of Wolfberg and Earle.

**Re. Claim 12,** Clark discloses a workstation for use in providing financial assistance to investors conducting investor mediated transactions over an online transaction system, the workstation comprising:

- a central processing unit (Col. 2, line 36 – Col. 3, line 34; Fig's 1 & 15);
- a video display screen (Col. 2, line 36 – Col. 3, line 34; Fig's 1 & 15);
- an application interface operable on the workstation for accessing at least one finance-related software application (Col. 2, line 36 – Col. 3, line 34; Fig's 1 & 15); and
- an investor monitoring system for monitoring investor mediated transactions conducted by the investor on the online transaction system, wherein the workstation is connected to at least one host server over a communication system which enables communication between the workstation and at least one host server, wherein the investor monitoring system monitors at least one investor account for at least one investor account mediated transaction and communicates to the financial advisor a communication regarding the at least one investor-mediated transactions on a real-time basis upon the at least one investor mediated transaction, the financial advisor therewith able to proactively intercede in the investor mediated transaction (Col. 5, line 63 – Col. 6, line 16; Col. 10, l. 49; Col. 11, ll.16-23; Col. 13, lines 63-64).

Clark does not explicitly disclose a financial advisor receiving a communication regarding an investor mediated transaction and the financial advisor proactively interceding in the investor mediated transaction. However, Wolfberg discloses providing timely proactive transaction advice to the client (Col. 24, ll. 43-52). Also, Clark do not explicitly disclose enabling a financial advisor user therewith to provide timely proactive transaction advice to the client user. However, Earle discloses the enabling of a user therewith to provide timely proactive transaction advice to the client user (Col. 7, ll. 48-59; Col. 9, ll. 54-57). It would have been obvious at the time of Applicant's invention to

have combined the disclosures of Clark with those of Wolfberg and Earle for the purpose of a financial advisory system and workstation that supports the focusing of individuals on the financial decisions they must make today, recommends one or more specific financial products given these decisions, protects them from mistakes and, perhaps most importantly, provides an opportunity for their financial decisions to meet their investment goals for the future. The motivation for the practitioner at the time of Applicant's invention to invent such a system would have been motivated by the desire to provide a vehicle by which financial transactions can be made in a timely, reliable and synchronous basis (Earle, Col. 4, ll. 11-14).

4. **Claims 2 and 13 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Clark in view of Maggioncalda, Wolfberg and Earle as applied to claim 1 above, and further in view of Petruzzi (US Patent 5,806,049) and Fox (US Patent 5,132,899). **Re. Claim 2**, Clark discloses an integrated system as recited by claim 1, wherein the plurality of finance-related software applications further comprise at least one finance related software application selected from the group consisting of (Col. 3, lines 17-23):

- a real-time market data application (Col. 10, line 49; Col. 11, line 18);
- a client information application (Clark, Col. 2, line 36 – Col. 3, line 34; Fig's 1 & 15);
- an office productivity application (Fig. 15).

However, Clark does not explicitly disclose:

- a financial planning application;
- a calculator application;
- an investment products application;
- an opportunities application opportunities application; and
- an investment research application.

Maggioncalda discloses:

- a financial planning application (Col. 2, line 33 – Col. 3, line 63; Col. 5, lines 32-33);

- a calculator application (Col. 1, lines 31-48; Col. 8, lines 24);
- an investment products application (abstract; Col. 2, lines 12-30, 54-65).

Also, Petruzzi discloses an opportunities application (Title); and Fox discloses an investment research application (Fox Col. 5, lines 45-53; many available, among best known available on line is Value Line).

It would have been obvious at the time of Applicant's invention to have combined the disclosures of Clark with those of Maggioncalda, Petruzzi and Fox for the purpose of a financial advisory system that focuses individuals on the financial decisions they must make today, recommends one or more specific financial products given these decisions, and, perhaps most importantly, illustrates the chance that their financial decisions combined with the recommended financial products will meet their needs in the future, motivated by the desire to provide an investment management system which enables an investment client to achieve superior investment performance (Maggioncalda, Col. 1, II. 54-55).

**5. Claim 13 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Clark in view of Wolfberg and Earle as applied to claim 12 above, and further in view of Maggioncalda, Petruzzi and Fox.

**Re. Claim 13,** Clark discloses a workstation as recited by claim 12, wherein the financial-related software application comprises at least one finance-related software application selected from the group consisting of (Col. 3, lines 17-23):

- a real-time market data application (Col. 10, line 49; Col. 11, line 18);
- a client information application (Clark, Col. 2, line 36 – Col. 3, line 34; Fig's 1 & 15); and
- an office productivity application (Fig. 15).

However, Clark does not explicitly disclose

- a financial planning application;
- a calculator application;
- an investment products application;

- an opportunities application; and
- an investment research application.

Maggioncalda discloses a workstation as recited by claim 12, wherein the finance-related software applications are selected from the group comprising:

- a financial planning application (Col. 2, line 33 – Col. 3, line 63, Col. 5, lines 32-33);
- a calculator application (Col. 1, lines 31-48; Col. 8, line 24); and
- an investment products application (Abstract; Col. 2, lines 12-30, 54-65).

Petruzzi discloses an opportunities application (Title); and

Fox discloses an investment research application (Col. 5, lines 45-53).

It would have been obvious at the time of Applicant's invention to have combined the disclosures of Clark with those of Maggioncalda for the purpose of a financial advisory system that focuses individuals on the financial decisions they must make today, recommends one or more specific financial products given these decisions, and, perhaps most importantly, illustrates the chance that their financial decisions combined with the recommended financial products will meet their needs in the future, motivated by the desire to provide an investment management system which enables an investment client to achieve superior investment performance (Maggioncalda, Col. 1, II. 54-55).

**6. Claim 14 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Clark, in view of Earle.

**Re. Claim 14,** Clark discloses an authentication system for creating an application interface of a financial assistance system, the authentication system comprising:

- an interface for allowing access to a plurality of finance-related software applications permitted by a user entitlement level, the plurality of finance-related software applications comprising, a real-time market data application and a financial planning application (Abstract – II. 12-14; Col. 2, lines 48-50; Col. 5, line 63 – Col. 6, line 16; Col. 6, lines 36-47);

- an interface for providing user preferences that allow user to customize the application interface (Col. 2, ll. 36-58; Col. 3, ll. 17-34);
- a system for controlling the access to applications and the user preferences (Col. 25, line 64 – Col. 26, line 24); and
- a real time investor monitoring system for monitoring investor mediated transactions conducted by an investor on an online transaction system and communicating a communication regarding at least one investor-mediated transaction on a real-time basis upon detecting the at least one investor mediated transaction (Real time - Col. 10, line 49; Col. 11, ll. 16-23).

Clark does not explicitly disclose an investor's communication to a financial advisor. However, Earle discloses an investor's communication to a financial advisor (Col. 7, ll. 48-59; Col. 9, ll. 54-57). It would have been obvious to an ordinary practitioner at the time of Applicant's invention to have modified the disclosure of Clark with that of Earle for the purpose of an authenticated financial assistance system which has the capability to have investors communicate with financial advisors, motivated by the desire to provide a vehicle by which financial transactions can be made in a timely, reliable and synchronous basis (Earle, Col. 4, ll. 11-14).

**7. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark in view of Maggioncalda.**

**Re. Claim 15,** Clark discloses a system for providing financial information to end users in a workstation and a host computer comprising:

- an application interface having:
  - a display system for selectively running finance-related software applications simultaneously (Col. 2, line 36 – Col. 3, line 34; Fig's 1 & 15); and
  - a controller for controlling the display of the finance-related software applications, the plurality of finance-related software applications

comprising a real-time market data application (Col. 2, line 36 – Col. 3, line 34; Fig's 1 & 15); and  
an authentication system having:

- an authenticator for determining a set of finance-related software applications that a user is entitled to selectively run and display (Fig. 15; Abstract; Col. 2, lines 48-50; Col. 5, line 63 – Col. 6, line 16; Col. 6, lines 36-47); and
- a setter for setting user preferences that allow a user to customize the application interface for the user based on a stored user preference profile (Col. 2, II. 36-58; Col. 3, II. 7-34; Col. 25, line 64 – Col. 26, line 24).

Clark do not explicitly disclose the providing of all inclusive financial advice, such as financial planning advice. However, Maggioncalda do disclose the providing of a financial planning application (Col. 2, line 33 – Col. 3, line 63; Col. 5, lines 32-33). It would have been obvious at the time of Applicant's invention to have combined the disclosures of Clark with those of Maggioncalda for the purpose of a financial advisory system that focuses individuals on the financial decisions they must make today, recommends one or more specific financial products given these decisions, and, perhaps most importantly, illustrates the chance that their financial decisions combined with the recommended financial products will meet their needs in the future, motivated by the desire to provide an investment management system which enables an investment client to achieve superior investment performance (Maggioncalda, Col. 1, II. 54-55).

**Re. Claim 16,** Clark discloses a system as recited by claim 15, further comprising a controller that maps server names; retrieves entitlement levels; retrieves entitlement data; retrieves a user preference profile; creates a local user directory; activates an application interface with retrieved entitlement data and user preferences; and launches the application interface (Col. 25, line 64 – Col. 26, line 24).

#### ***Response to Arguments***

7. Applicant's arguments filed January 5, 2007 regarding claims 1, 2, 4-7 and 9-16 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 1, 12, 14 and 15 have been considered but are moot in view of the new ground(s) of rejection.

**DECLARATION by co-inventor William Fitzpatrick:** This declaration is void since it is not made under any legal authority, such as 37CFR 1.132.

**REJECTION UNDER 35 USC 101: HUMAN BEINGS**

On April 7, 1987, then Assistant Secretary and Commissioner of Patents and Trademarks, Donald J. Quigg, set forth PTO policy on this issue in the form of a notice entitled "Animals - Patentability". The notice affirmed that the "Patent and Trademark Office now considers nonnaturally occurring non-human multicellular living organisms, including animals, to be patentable subject matter within the scope of 35 U.S.C. 101" and relied on the now famous Supreme Court decision *Diamond v. Chakrabarty*, 447 U.S. 303, 206 USPQ 193 (1980).

However, Commissioner Quigg's notice also went on to affirm the long-standing PTO principle and practice that products found in nature will not be considered to be patentable subject matter under 35 U.S.C. 101. Specifically, the Commissioner stated that a "claim directed to or including within its scope a human being will not be considered to be patentable subject matter under 35 U.S.C. 101" since the grant of a limited, but exclusive property right in a human being is prohibited by the Constitution (presumably the 13th Amendment). The language "including within its scope a human being" is the important language here.

Accordingly, where a claim is directed to apparatus "attached to" the human body or any part thereof it may be appropriate to make a rejection under 35 U.S.C. 101 with an explanation that, because the claim positively recites a part of the human body, it is directed to nonstatutory subject matter. Beyond the statute itself, proper authority for such a rejection is Commissioner Quigg's notice which was published at 1077 OG 24 (April 21, 1987).

**ARGUMENT A:** The prior art fails to provide a teaching or suggestion that the Investment Advisors are human financial advisors as claimed in independent claims 1, 12 and 14 (page 9, II. 7-20, which is a summary of the arguments presented in pp. 7, I. 17 – p. 9, I. 20).

**RESPONSE:** The use by human advisors is implicit in the references. However human advisors do not receive patentable weight in the claimed limitations because humans are not patentable subject matter and because language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation (MPEP 2106, II, C).

**ARGUMENT B:** Re. claim 15, the prior art references used by the examiner to reject claim 15 under the obviousness statute would not have made the claimed limitations “as a whole” obvious in view of these references (p. 10, II. 11-17 – summary of pp 9, L. 21 – p. 11, I. 1).

**RESPONSE:** The Federal Circuit recently has been distinguishing the rulings of *In re Lee*, *In re Dembicza*k and *In re Johnston*. The recent ruling of *In re Kahn* supports this trend as well. Note the following:

“A suggestion, teaching, or motivation to combine the relevant prior art teachings does not have to be found explicitly in the prior art, as the teaching, motivation, or suggestion may be implicit from the prior art as a whole, rather than expressly stated in the references. . . . The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art. *In re Kotzab*, 217 F.3d 1365, 1370 (Fed. Cir. 2000). However, rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *See Lee*, 277 F.3d at 1343-46; *Rouffett*, 149 F.3d at 1355-59. This requirement is as much rooted in the Administrative Procedure Act, which ensures due process and non-arbitrary decisionmaking, as it is in § 103. *See id.* at 1344-45.” *In re Kahn*, Slip Op. 04-1616, page 9 (Fed. Cir. Mar. 22, 2006).

In this instance, the examiner has met the standards reconfirmed by *In re Kahn* stated above. The examiner has pointed to a combination of explicit, implicit, suggested and obvious reasons, and to the knowledge of the ordinary practitioner in consideration of

the problems to be solved, supported by articulated reasoning with some rational underpinning to support the legal conclusion of obviousness in making the rejections of independent claim 15, as well as for independent claims 1, 12 and 14 under the 35 USC obviousness statute.

### ***Conclusion***

**8. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is (571)272-6792. The Examiner can normally be reached Monday through Friday, 9am to 6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Richard E. Chilcot, can be reached on (571) 272-6777.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks, Washington D.C. 20231**  
or (571)273-8300 [Official communications; including After Final communications  
labeled "Box AF"]

(571) 273-6792 [Informal/Draft communications, labeled "PROPOSED" or  
"DRAFT"]

Hand delivered responses should be brought to the address found on the above  
USPTO web site in Alexandria, VA.

SEC

January 22, 2007

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
